

# EXHIBIT D

KAMRAN SHAFIEI 30b6  
SINGULAR COMPUTING LLC V. GOOGLE

July 20, 2021

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<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT</p> <p style="text-align: center;">DISTRICT OF MASSACHUSETTS</p> <p style="text-align: center;">CASE NO.: 1:19-CV-12551-FDS</p> <p>SINGULAR COMPUTING LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>GOOGLE LLC,</p> <p style="text-align: center;">Defendant.</p> <hr/> <p style="text-align: center;">SCHEDULED REMOTE VIDEOTAPED DEPOSITION OF</p> <p style="text-align: center;">KAMRAN SHAFIEI</p> <p style="text-align: center;">VIA ZOOM PLATFORM</p> <p style="text-align: center;">Tuesday, July 20, 2021</p> <p style="text-align: center;">9:27 - 9:47 a.m. Pacific</p> <p style="text-align: center;">WITNESS LOCATION:</p> <p style="text-align: center;">Los Gatos, California 95032</p> <p>Reported By:</p> <p>Wendy Beath Anderson, RDR, CRR, CRC</p> <p>Notary Public, State of Florida</p> <p>Esquire Deposition Services</p> <p>West Palm Beach Office Job #J7282555</p>	<p style="text-align: right;">Page 1</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 WITNESS: DIRECT CROSS REDIRECT RECROSS</p> <p>6</p> <p>7 KAMRAN SHAFIEI</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 MICHAEL J. ERCOLINI, ESQUIRE</p> <p>4 PRINCE LOBEL TYE, LLP</p> <p>5 One International Place, Suite 3700</p> <p>6 Boston, Massachusetts 02110</p> <p>7 mercolini@princelobel.com</p> <p>8</p> <p>9 On behalf of the Defendant:</p> <p>10 MICHELLE YBARRA, ESQUIRE</p> <p>11 CHRISTOPHER SUN, ESQUIRE</p> <p>12 KEKER VAN NEST &amp; PETERS, LLP</p> <p>13 633 Battery Street</p> <p>14 San Francisco, California 94111</p> <p>15 mybarra@keker.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS</p> <p>2 ---</p> <p>3 Deposition taken before Wendy Beath Anderson,</p> <p>4 Registered Diplomat Reporter, Certified Realtime</p> <p>5 Reporter and Notary Public in and for the State of</p> <p>6 Florida at Large, in the above cause.</p> <p>7 ---</p> <p>8 THE VIDEOGRAPHER: Good morning. We are now</p> <p>9 on the record. The time is now 11:00 -- sorry --</p> <p>10 9:27 a.m. Pacific time on Tuesday, July 20th, 2021.</p> <p>11 This begins the videotaped deposition of Mr. Kamran</p> <p>12 Shafiei taken in the matter of Singular Computing</p> <p>13 LLC, versus Google LLC.</p> <p>14 The videographer today is myself, Carlos</p> <p>15 Andreu, and the court reporter is Wendy Anderson.</p> <p>16 We are both representing Esquire Deposition</p> <p>17 Solutions.</p> <p>18 Counsel, will you please announce your name</p> <p>19 and whom you represent, after which the court</p> <p>20 reporter will swear in the witness. You may</p> <p>21 proceed.</p> <p>22 MR. ERCOLINI: Michael Ercolini of Prince</p> <p>23 Lobel Tye in Boston for the plaintiff, Singular</p> <p>24 computing, LLC.</p> <p>25 MS. YBARRA: Michelle Ybarra from Kecker Van</p>

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<p style="text-align: right;">Page 5</p> <p>1 Nest and Peters for defendant, Google.</p> <p>2 MR. SUN: Christopher Sun from Kecker Van Nest</p> <p>3 and Peters for defendant, Google.</p> <p>4 (Witness sworn by the court reporter.)</p> <p>5 THE WITNESS: I do.</p> <p>6 MS. YBARRA: Before we begin the examination</p> <p>7 today, it's important that we clarify some things</p> <p>8 on the record regarding the scope of Mr. Shafiei's</p> <p>9 deposition testimony today.</p> <p>10 As Mr. Ercolini knows, Mr. Shafiei has been</p> <p>11 designated to testify on Topics 10, 11, 12, 13, 18,</p> <p>12 20 to 25 and 30, consistent with the scope set</p> <p>13 forth in Exhibit D to the declaration of Andrew</p> <p>14 Brunz in support of Google's June 21st opposition</p> <p>15 to Singular's motion to compel.</p> <p>16 At the June 30th hearing on that motion, Judge</p> <p>17 Cabell ordered Google to provide a witness on</p> <p>18 Topic 36, which Mr. Shafiei is also prepared to</p> <p>19 testify on and Google discussed the substance of</p> <p>20 the June 30th hearing with Singular in numerous</p> <p>21 letters and memorialized Google's agreement to</p> <p>22 produce Mr. Shafiei on these topics in a</p> <p>23 July 2nd letter to Singular.</p> <p>24 Until yesterday, Singular never raised any</p> <p>25 disagreement regarding the scope of the topics for</p>	<p style="text-align: right;">Page 7</p> <p>1 informs Google it intends to put Mr. Shafiei up for</p> <p>2 deposition only once and only on the scope of the</p> <p>3 topics reflected in the chart filed with the Court,</p> <p>4 which Singular never disputed and, in fact,</p> <p>5 represented to Judge Cabell at the hearing</p> <p>6 reflected the resolution of the parties' dispute.</p> <p>7 Singular's refused to limit its deposition of</p> <p>8 Mr. Shafiei to the deposition topics and the scope</p> <p>9 previously agreed on by the parties and discussed</p> <p>10 with the Court.</p> <p>11 Mr. Shafiei's cleared his schedule today.</p> <p>12 He's prepared to testify on the topics I identified</p> <p>13 earlier as limited in the chart provided by the</p> <p>14 Court, plus Topic 36, but we're prepared to proceed</p> <p>15 with the deposition today only upon Singular's</p> <p>16 confirmation that Mr. Ercolini will limit his</p> <p>17 questions properly to the scope of the topics as</p> <p>18 agreed to and discussed with the Court and not seek</p> <p>19 additional time with Mr. Shafiei or any 30(b)(6)</p> <p>20 witness on those same topics later.</p> <p>21 Absent that agreement, we intend to suspend</p> <p>22 today's deposition and seek immediate guidance from</p> <p>23 Judge Cabell on this new dispute which we had</p> <p>24 thought was put to bed weeks ago. I've asked</p> <p>25 Mr. Ercolini to provide for me --</p>
<p style="text-align: right;">Page 6</p> <p>1 which Mr. Shafiei's been designated and Singular</p> <p>2 never indicated any intent to renege on positions</p> <p>3 it took before the Court at the June 30th hearing.</p> <p>4 Yet, last night Mr. Ercolini informed Google for</p> <p>5 the first time of Singular's new position that</p> <p>6 Mr. Shafiei should be prepared to address the full</p> <p>7 scope of those topics as drafted, notwithstanding</p> <p>8 Judge Cabell's clear ruling on the record at the</p> <p>9 June 30th hearing that several of those topics as</p> <p>10 drafted are overbroad and improper. And I'm</p> <p>11 referring specifically to, for example, Topic 18,</p> <p>12 which seeks 30(b)(6) testimony on P&amp;L statements of</p> <p>13 any product or business segment responsible or</p> <p>14 formally responsible for the accused services.</p> <p>15 Judge Cabell said explicitly that the topic as</p> <p>16 drafted is too out there and, quote, too broad.</p> <p>17 Singular's e-mail last night sent the night</p> <p>18 before Mr. Shafiei's deposition demanding that</p> <p>19 Mr. Shafiei testify on the full scope of that topic</p> <p>20 and others completely disregard the guidance from</p> <p>21 Judge Cabell.</p> <p>22 MR. ERCOLINI: Can we hurry this up?</p> <p>23 MS. YBARRA: Let me finish, Mr. Ercolini,</p> <p>24 please.</p> <p>25 Upon receiving Singular's e-mail, Singular</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. ERCOLINI: This is my deposition --</p> <p>2 MS. YBARRA: Mr. Ercolini, I'm almost done.</p> <p>3 Please stop interrupting me.</p> <p>4 MR. ERCOLINI: I'm going to give you another</p> <p>5 minute.</p> <p>6 MS. YBARRA: Let me finish.</p> <p>7 MR. ERCOLINI: I'm going to give you another</p> <p>8 minute.</p> <p>9 MS. YBARRA: Mr. Ercolini, I asked you to</p> <p>10 provide that confirmation before you began your</p> <p>11 examination. You refused to provide it over</p> <p>12 e-mail. I'm asking you to provide it here on the</p> <p>13 record. If you don't agree, state your -- the</p> <p>14 basis for your position, your disagreement and then</p> <p>15 we should go off the record and contact the Court.</p> <p>16 MR. ERCOLINI: So the rule is that if I notice</p> <p>17 a deposition, you have to appear for it. Absent a</p> <p>18 protective order that's in place or you're seeking</p> <p>19 a protective order or you sought a protective</p> <p>20 order, you have to produce a witness. If you don't</p> <p>21 do it, you can be sanctioned.</p> <p>22 If you're telling me you're going to suspend</p> <p>23 the deposition and you're going to refuse to</p> <p>24 produce the witness on the topics which he's been</p> <p>25 designated on, that's up to you, but I'm going to</p>

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<p style="text-align: right;">Page 9</p> <p>1 respond to a few of the things that you said.</p> <p>2 First of all, the exhibit that you're</p> <p>3 referring to was an exhibit that was attached to an</p> <p>4 opposition to a motion to compel. At no point</p> <p>5 during the hearing did Singular abandon any topics,</p> <p>6 as was suggested last evening. We've made clear</p> <p>7 what we were seeking. We never abandoned any of</p> <p>8 the topics. I take issue with everything that's</p> <p>9 been said about what Judge Cabell said during that</p> <p>10 hearing. He did not exclude any topics. He</p> <p>11 certainly didn't draft that exhibit, as you just</p> <p>12 suggested, which is off the wall.</p> <p>13 If Mister -- if you're telling me that</p> <p>14 Mr. Shafiei is not prepared to testify on the</p> <p>15 topics on which he's been designated today, that's</p> <p>16 fine. If you choose to present the witness without</p> <p>17 his answering questions, I'm going to take that as</p> <p>18 failing to appear, but I would like to get</p> <p>19 questions in today.</p> <p>20 I'm not going to waive any right to redepose</p> <p>21 Mr. Shafiei if he's unprepared for topics today.</p> <p>22 I'm not going to waive any right to take witnesses</p> <p>23 on the 30(b)(6) topics that we've provided.</p> <p>24 So if you're telling me that you're going to</p> <p>25 yank the witness because we've not agreed to waive</p>	<p style="text-align: right;">Page 11</p> <p>1 MS. YBARRA: We are going to suspend the</p> <p>2 deposition today in light of Singular's refusal to</p> <p>3 abide by the agreements and comply with the</p> <p>4 guidance provided by Judge Cabell at the June 30th</p> <p>5 hearing, and I will note for the record -- please,</p> <p>6 Mr. Ercolini, I see you're eager to jump in there,</p> <p>7 but let me finish my sentence and then you can</p> <p>8 state your response.</p> <p>9 I will note for the record that Singular's</p> <p>10 reneging on agreements that the parties had reached</p> <p>11 weeks after the parties memorialized those in</p> <p>12 writing. It is improper and itself sanctionable</p> <p>13 conduct.</p> <p>14 MR. ERCOLINI: I want you to point me to</p> <p>15 exactly where we agreed to the limitations that</p> <p>16 you're proposing. All I asked for last evening,</p> <p>17 and I want to make this absolutely clear, is for</p> <p>18 you to confirm which portions of which topics</p> <p>19 Mr. Shafiei was going to be prepared to testify on</p> <p>20 today. You did not do that. I asked you three</p> <p>21 separate times. You still cannot do it.</p> <p>22 We can sit here right now and you can tell me</p> <p>23 what portions of the topics he's prepared to</p> <p>24 testify on and that's it. We'll move forward on</p> <p>25 those. But I asked that three separate times, did</p>
<p style="text-align: right;">Page 10</p> <p>1 that right, that's up to you. I'm going to take</p> <p>2 that as a failure to appear. We will move for</p> <p>3 sanctions and we can take it from there.</p> <p>4 But I really would like to get the deposition</p> <p>5 underway, if we can.</p> <p>6 MS. YBARRA: Are you finished, Mr. Ercolini?</p> <p>7 MR. ERCOLINI: I am.</p> <p>8 MS. YBARRA: I disagree with your</p> <p>9 characterization of the record and my statements,</p> <p>10 and I didn't suggest Judge Cabell off the chart --</p> <p>11 MR. ERCOLINI: You said --</p> <p>12 MS. YBARRA: Mr. Ercolini, would you stop</p> <p>13 interrupting me, please. It's improper and it's</p> <p>14 rude and it makes hard for the court reporter to</p> <p>15 take a proper record here. Let me finish.</p> <p>16 MR. ERCOLINI: This is not your deposition.</p> <p>17 So if you want to keep grandstanding, you're going</p> <p>18 to do it on mute.</p> <p>19 MS. YBARRA: Mr. Ercolini, are you done</p> <p>20 interrupting me?</p> <p>21 MR. ERCOLINI: I've had it. You've had about</p> <p>22 five minutes of uninterrupted jabbering. I'm done.</p> <p>23 So if you want to yank the witness, yank the</p> <p>24 witness. That's up to you. But I'm not going to</p> <p>25 sit here through speaking objections.</p>	<p style="text-align: right;">Page 12</p> <p>1 not hear anything back and I've not seen a single</p> <p>2 thing where we agreed to limit the scope of the</p> <p>3 topics, and in a completely undefined way, I'll</p> <p>4 add, because you still cannot tell me what portions</p> <p>5 of the topics he's prepared to testify on today.</p> <p>6 Can you tell me right now?</p> <p>7 MS. YBARRA: Are you finished?</p> <p>8 MR. ERCOLINI: Can you tell me right now? I</p> <p>9 want an answer to what portions of the topics is he</p> <p>10 prepared to testify on, which is he not.</p> <p>11 MS. YBARRA: I'll caution you to watch your</p> <p>12 tone with me and stop interrupting me. Are you</p> <p>13 finished?</p> <p>14 MR. ERCOLINI: I'm not talking. I just asked</p> <p>15 a question. Can you answer the question?</p> <p>16 MS. YBARRA: Yes. And we responded in writing</p> <p>17 this morning, again, pointing you to the chart --</p> <p>18 let me finish, Mr. Ercolini -- the chart submitted</p> <p>19 to the Court reflecting the scope of what we agreed</p> <p>20 to provide Mr. Shafiei to testify on, and in</p> <p>21 addition to that, Topic 36 which was ordered by</p> <p>22 Judge Cabell at the hearing. The chart sets forth</p> <p>23 the scope of what Google is willing to provide a</p> <p>24 witness on.</p> <p>25 We discussed this explicitly with the judge at</p>

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<p style="text-align: right;">Page 13</p> <p>1 the hearing and the judge had reviewed the chart</p> <p>2 and he said -- you know, you need to look back at</p> <p>3 the hearing transcript -- and he said Google has</p> <p>4 been willing to make somebody available to talk</p> <p>5 about certain things and information, referring to</p> <p>6 the chart. Singular, at that hearing you said that</p> <p>7 the issues that -- the motions had been resolved</p> <p>8 and we moved forward to talk about another one.</p> <p>9 MR. ERCOLINI: I did not say the motions were</p> <p>10 resolved.</p> <p>11 MS. YBARRA: Mr. Ercolini --</p> <p>12 MR. ERCOLINI: You're not going to pile lie</p> <p>13 upon lie. That's not our agreement. That's your</p> <p>14 chart saying what you're willing to provide him</p> <p>15 for. I asked you to provide where we agreed to</p> <p>16 that scope.</p> <p>17 MS. YBARRA: Counsel has just called me a liar</p> <p>18 on the record and I think we -- I think --</p> <p>19 MR. ERCOLINI: Oh, my God.</p> <p>20 MS. YBARRA: -- we're done here.</p> <p>21 MR. ERCOLINI: No, I said you piled lie upon</p> <p>22 lie, which is absolutely true. If you're yanking</p> <p>23 the witness because you're offended by my saying</p> <p>24 that you're lying, I'd ask you to stop telling</p> <p>25 falsehoods on the record.</p>	<p style="text-align: right;">Page 15</p> <p>1 what the scope is right now. Tell me what the</p> <p>2 scope is right now.</p> <p>3 MS. YBARRA: This is the -- Mr. Ercolini,</p> <p>4 every time I speak, you interrupt me. You've now</p> <p>5 called me a liar, you've interrupted me a dozen</p> <p>6 times on the record. Please watch yourself.</p> <p>7 MR. ERCOLINI: I asked you four times please</p> <p>8 tell me what the scope is.</p> <p>9 MS. YBARRA: The scope is memorialized in</p> <p>10 Chris Sun's e-mail from this morning, plus your</p> <p>11 prior correspondence.</p> <p>12 MR. ERCOLINI: Let's read through the e-mail,</p> <p>13 then, and find what the scope is.</p> <p>14 MS. YBARRA: I think we're done here.</p> <p>15 MR. ERCOLINI: No, I don't think we're done.</p> <p>16 We're going to get this on the record. We're going</p> <p>17 to read through Chris Sun's e-mail and you're going</p> <p>18 to point to me where the scope is.</p> <p>19 MS. YBARRA: Absolutely. In the attachment to</p> <p>20 Chris Sun's e-mail this morning, and as</p> <p>21 memorialized in our July 2nd letter, and as</p> <p>22 discussed multiple times in meet-and-confers by the</p> <p>23 parties, I'm going to read this into the record and</p> <p>24 you will not interrupt me, Mr. Ercolini.</p> <p>25 MR. ERCOLINI: What meet-and-confers?</p>
<p style="text-align: right;">Page 14</p> <p>1 So I want you to tell me where we agreed to</p> <p>2 the scope that you said is in Exhibit D.</p> <p>3 MS. YBARRA: Mr. Ercolini, we've stated our</p> <p>4 position in writing and now again on the record. I</p> <p>5 think we're ready to suspend today's deposition.</p> <p>6 MR. ERCOLINI: You have not provided an answer</p> <p>7 to that question.</p> <p>8 MS. YBARRA: You've interrupted me now a tenth</p> <p>9 time.</p> <p>10 MR. ERCOLINI: This is my deposition --</p> <p>11 MS. YBARRA: We're ready to suspend the</p> <p>12 deposition.</p> <p>13 MR. ERCOLINI: -- which you are grandstanding.</p> <p>14 MS. YBARRA: We're going to seek guidance from</p> <p>15 the Court on this. Are you ready to go you off the</p> <p>16 record?</p> <p>17 MR. ERCOLINI: What's that? No, I want to ask</p> <p>18 the witness questions.</p> <p>19 MS. YBARRA: We are not going to proceed with</p> <p>20 today's deposition absent an agreement from</p> <p>21 Singular to abide by the scope that we have -- that</p> <p>22 has been in place for weeks. I understand that</p> <p>23 you're --</p> <p>24 MR. ERCOLINI: There's no scope in place</p> <p>25 because you can't even tell me what it is. Tell me</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. YBARRA: Mr. Ercolini --</p> <p>2 MR. ERCOLINI: You're not going to make</p> <p>3 grandstanding statements.</p> <p>4 MS. YBARRA: -- you asked for the scope.</p> <p>5 MR. ERCOLINI: When did we meet and confer</p> <p>6 about Exhibit D?</p> <p>7 MS. YBARRA: You asked me about the scope.</p> <p>8 I'm going to read that into the record. Do you</p> <p>9 want that or not?</p> <p>10 MR. ERCOLINI: You're saying that we agreed</p> <p>11 to. I'm asking you to tell me where we agreed to</p> <p>12 that scope.</p> <p>13 MS. YBARRA: We discussed this at length at</p> <p>14 the hearing with Judge Cabell.</p> <p>15 MR. ERCOLINI: We discussed a motion to compel</p> <p>16 testimony of this witness -- of Google on a number</p> <p>17 of topics. Where did we say we agree to the scope</p> <p>18 in Exhibit D?</p> <p>19 MS. YBARRA: At the hearing, the June 30th</p> <p>20 hearing before Judge Cabell.</p> <p>21 MR. ERCOLINI: I got the setting.</p> <p>22 MS. YBARRA: Mr. Ercolini --</p> <p>23 MR. ERCOLINI: You need to tell me where in</p> <p>24 the transcript --</p> <p>25 MS. YBARRA: -- every time I try to answer</p>

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<p style="text-align: right;">Page 17</p> <p>1 your question, you interrupt me.</p> <p>2 MR. ERCOLINI: No, we agreed to a general time</p> <p>3 when apparently we did it. I'm asking you to tell</p> <p>4 me the specific time where we said yeah, we agree</p> <p>5 to the scope in Exhibit D.</p> <p>6 MS. YBARRA: Are you going to let me finish?</p> <p>7 MR. ERCOLINI: I'm going to ask you over and</p> <p>8 over again to tell me where we agreed to the scope</p> <p>9 of Exhibit D. You said in multiple</p> <p>10 meet-and-confers. When did those meet-and-confers</p> <p>11 happen?</p> <p>12 MS. YBARRA: Mr. Ercolini, at the hearing</p> <p>13 before Judge Cabell, Singular indicated to the</p> <p>14 Court that its motions had been resolved as a</p> <p>15 result of the agreements that we put on the record,</p> <p>16 which was Google agreed to produce a witness</p> <p>17 consistent with the scope reflected in Exhibit D.</p> <p>18 MR. ERCOLINI: And that's what Matt said he</p> <p>19 was willing to produce a witness in accordance with</p> <p>20 the scope of Exhibit D.</p> <p>21 MS. YBARRA: That is what he represented to</p> <p>22 the Court at the hearing.</p> <p>23 MR. ERCOLINI: You were ordered to provide</p> <p>24 testimony on the average cost of data centers. You</p> <p>25 were ordered to provide testimony to the extent it</p>	<p style="text-align: right;">Page 19</p> <p>1 MR. ERCOLINI: You're saying that was the</p> <p>2 exclusion of all other topics.</p> <p>3 MS. YBARRA: Absolutely not. I've made my</p> <p>4 position clear. I'm trying to -- Mr. Ercolini,</p> <p>5 again, quit interrupting. You're being extremely</p> <p>6 rude, unprofessional. I tried to read the topics</p> <p>7 into the record.</p> <p>8 MR. ERCOLINI: You want to talk --</p> <p>9 MS. YBARRA: We're done here. We're ready to</p> <p>10 go off the record. We're ready to go off the</p> <p>11 record. We're going to suspend the deposition.</p> <p>12 MR. ERCOLINI: Okay. Again, you're doing that</p> <p>13 unilaterally. We've noticed him. You've failed to</p> <p>14 appear for the deposition. That's how we're taking</p> <p>15 it. And to the extent you failed to respond to the</p> <p>16 topics -- and there are a number of topics for</p> <p>17 which there are no designations -- those are also</p> <p>18 failures to appear. And there's a failure to</p> <p>19 appear from Friday for all topics for which the</p> <p>20 witness was not prepared. That's three.</p> <p>21 So if you want to do that, that's up to you.</p> <p>22 But it's 12:44. We've been going for 40 minutes</p> <p>23 now, and I haven't gotten a single question in.</p> <p>24 I'd like really like to start the deposition.</p> <p>25 MS. YBARRA: We're not proceeding with the</p>
<p style="text-align: right;">Page 18</p> <p>1 exists on incremental references or any other</p> <p>2 segment that uses the accused TPUs. We did not</p> <p>3 withdraw any of the topics. Those have been</p> <p>4 noticed. You've been aware of them for quite some</p> <p>5 time and there's no motion for protective order.</p> <p>6 You designated him on those topics. I can't</p> <p>7 think this is anything but a bait-and-switch that</p> <p>8 you designated him on the topics and then you</p> <p>9 pulled him. You did the same thing on Friday.</p> <p>10 This is completely inappropriate. You're not</p> <p>11 allowed to say we object to the topics, therefore,</p> <p>12 we're not going to produce somebody.</p> <p>13 In the absence of a protective order, you're</p> <p>14 taking the witness -- having him fail to appear is</p> <p>15 sanctionable. If you want to go down that road, we</p> <p>16 can do that. We've not reneged on a single thing.</p> <p>17 You've not pointed me to a single thing where we've</p> <p>18 agreed to the scope you're suggesting. It's</p> <p>19 nowhere in the record.</p> <p>20 MS. YBARRA: That's just false, Mr. Ercolini.</p> <p>21 And Mr. Shafiei is prepared to testify on Topic 36,</p> <p>22 which is a clear holding that came out of the</p> <p>23 June 30th hearing. Judge Cabell ordered Google to</p> <p>24 provide a witness on that and Mr. Shafiei's</p> <p>25 prepared to testify on that.</p>	<p style="text-align: right;">Page 20</p> <p>1 deposition today. Singular's intent to re-litigate</p> <p>2 issues that were already discussed with the Court</p> <p>3 and have been decided --</p> <p>4 MR. ERCOLINI: Listen, you can just object and</p> <p>5 say it's out of scope, and if you don't want the</p> <p>6 witness to testify on it, he won't testify on it.</p> <p>7 MS. YBARRA: We're ready to go off the record.</p> <p>8 Mr. Ercolini, I've made my position clear. I think</p> <p>9 you have too. We're going to have to take it up</p> <p>10 with the judge.</p> <p>11 MR. ERCOLINI: Okay. Well, that's the third</p> <p>12 failure to appear inside of a week. So feel free</p> <p>13 to take it up with the judge. This is completely</p> <p>14 inappropriate. We're three days out from the close</p> <p>15 of fact discovery and this is the nth month that</p> <p>16 Google has failed to produce a witness on these</p> <p>17 topics.</p> <p>18 So if you're going to pull the witness, I'll</p> <p>19 go off line. I'm not going to do it first. I'm</p> <p>20 waiting to question the witness. By the way, I'm</p> <p>21 not counting any of this against our time.</p> <p>22 MS. YBARRA: Madam court reporter, we're ready</p> <p>23 to go off the record.</p> <p>24 THE VIDEOGRAPHER: Do all parties agree to go</p> <p>25 off the video record?</p>



KAMRAN SHAFIEI 30b6  
SINGULAR COMPUTING LLC V. GOOGLEJuly 20, 2021  
21-24

<p style="text-align: right;">Page 21</p> <p>1 MR. ERCOLINI: I don't. So you're going to</p> <p>2 have to shut it off. Shut off your video if you're</p> <p>3 going to pull the witness, but I'm going to go</p> <p>4 ahead and question the witness.</p> <p>5 MS. YBARRA: No, we're not proceeding with</p> <p>6 today's deposition in light of Singular's intent to</p> <p>7 re-litigate issues.</p> <p>8 Thereupon,</p> <p>9 (KAMRAN SHAFIEI)</p> <p>10 having been first duly sworn or affirmed, was examined</p> <p>11 and testified as follows:</p> <p>12 DIRECT EXAMINATION</p> <p>13 BY MR. ERCOLINI:</p> <p>14 Q. Mr. Shafiei, do you understand that you're</p> <p>15 appearing today as a 30(b)(6) witness?</p> <p>16 MS. YBARRA: Mr. Ercolini, I think your</p> <p>17 manners are really wanting here.</p> <p>18 MR. ERCOLINI: I think you need to stop with</p> <p>19 the speaking objections.</p> <p>20 MS. YBARRA: You're being unprofessional.</p> <p>21 BY MR. ERCOLINI:</p> <p>22 Q. Mr. Shafiei --</p> <p>23 MS. YBARRA: We're done today. Thank you.</p> <p>24 Mr. Shafiei, we're going to leave. We're</p> <p>25 going to exit the room. Thank you.</p>	<p style="text-align: right;">Page 23</p> <p>1 CERTIFICATE OF OATH</p> <p>2 STATE OF FLORIDA</p> <p>3 COUNTY OF PALM BEACH</p> <p>4</p> <p>5</p> <p>6 I, the undersigned authority, certify that</p> <p>7 Kamran Shafiei personally appeared before me and was</p> <p>8 duly sworn on the 20th day of July, 2021.</p> <p>9</p> <p>10 Witness my hand and official seal this 20th</p> <p>11 day of July, 2021.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Wendy Beath Anderson, RDR, CRR, CRC</p> <p>18 Notary Public State of Florida</p> <p>19 My Commission Expires: 9/20/2021</p> <p>20 My Commission No.: GG 109736</p> <p>21 Job #J7282555</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. ERCOLINI: All right.</p> <p>2 THE VIDEOGRAPHER: Going off the video record</p> <p>3 at 9:46 a.m.</p> <p>4 (Deposition was adjourned at 9:46 a.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 24</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF FLORIDA</p> <p>3 COUNTY OF PALM BEACH</p> <p>4</p> <p>5 I, Wendy Beath Anderson, Certified Realtime</p> <p>6 Reporter and Notary Public in and for the State of</p> <p>7 Florida at Large, do hereby certify that I was</p> <p>8 authorized to and did stenographically report said</p> <p>9 deposition of KAMRAN SHAFIEI; that a review of the</p> <p>10 transcript was not requested; and that the foregoing</p> <p>11 transcript is a true record of my stenographic notes.</p> <p>12 I FURTHER CERTIFY that I am not a relative,</p> <p>13 employee, or attorney, or counsel of any of the parties,</p> <p>14 nor am I a relative or employee of any of the parties'</p> <p>15 attorney or counsel connected with the action, nor am I</p> <p>16 financially interested in the action.</p> <p>17 The foregoing certification of this transcript</p> <p>18 does not apply to any reproduction of the same by any</p> <p>19 means unless under the direct control and/or direction</p> <p>20 of the certifying reporter.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> 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<p>534</p> <p>535</p> <p>536</p> <p>537</p> <p>538</p> <p>539</p> <p>540</p> <p>541</p> <p>542</p> <p>543</p> <p>544</p> <p>545</p> <p>546</p> <p>547</p> <p>548</p> <p>549</p> <p>550</p> <p>551</p> <p>552</p> <p>553</p> <p>554</p> <p>555</p> <p>556</p> <p>557</p> <p>558</p> <p>559</p> <p>560</p> <p>561</p> <p>562</p> <p>563</p> <p>564</p> <p>565</p> <p>566</p> <p>567</p> <p>568</p> <p>569</p> <p>570</p> <p>571</p> <p>572</p> <p>573</p> <p>574</p> <p>575</p> <p>576</p> <p>577</p> <p>578</p> <p>579</p> <p>580</p> <p>581</p> <p>582</p> <p>583</p> <p>584</p> <p>585</p> <p>586</p> <p>587</p> <p>588</p> <p>589</p> <p>590</p> <p>591</p> <p>592</p> <p>593</p> <p>594</p> <p>595</p> <p>596</p> <p>597</p> <p>598</p> <p>599</p> <p>600</p> <p>601</p> <p>602</p> <p>603</p> <p>604</p> <p>605</p> <p>606</p> <p>607</p> <p>608</p> <p>609</p> <p>610</p> <p>611</p> <p>612</p> <p>613</p> <p>614</p> <p>615</p> <p>616</p> <p>617</p> <p>618</p> <p>619</p> <p>620</p> <p>621</p> <p>622</p> <p>623</p> <p>624</p> <p>625</p> <p>626</p> <p>627</p> <p>628</p> <p>629</p> <p>630</p> <p>631</p> <p>632</p> <p>633</p> <p>634</p> <p>635</p> <p>636</p> <p>637</p> <p>638</p> <p>639</p> <p>640</p> <p>641</p> <p>642</p> <p>643</p> <p>644</p> <p>645</p> <p>646</p> <p>647</p> <p>648</p> <p>649</p> <p>650</p> <p>651</p> <p>652</p> <p>653</p> <p>654</p> <p>655</p> <p>656</p> <p>657</p> <p>658</p> <p>659</p> <p>660</p> <p>661</p> <p>662</p> <p>663</p> <p>664</p> <p>665</p> <p>666</p> <p>667</p> <p>668</p> <p>669</p> <p>670</p> <p>671</p> <p>672</p> <p>673</p> <p>674</p> <p>675</p> <p>676</p> <p>677</p> <p>678</p> <p>679</p> <p>680</p> <p>681</p> <p>682</p> <p>683</p> <p>684</p> <p>685</p> <p>686</p> <p>687</p> <p>688</p> <p>689</p> <p>690</p> <p>691</p> <p>692</p> <p>693</p> <p>694</p> <p>695</p> <p>696</p> <p>697</p> <p>698</p> <p>699</p> <p>700</p> <p>701</p> <p>702</p> <p>703</p> <p>704</p> <p>705</p> <p>706</p> <p>707</p> <p>708</p> <p>709</p> <p>710</p> <p>711</p> <p>712</p> <p>713</p> <p>714</p> <p>715</p> 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